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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/675,348	09/30/2003	Masahito Watanabe	SIP-124-A	5779
21828	7590	12/19/2007	EXAMINER	
CARRIER BLACKMAN AND ASSOCIATES			LEE, JOHN W	
24101 NOVI ROAD			ART UNIT	
SUITE 100			PAPER NUMBER	
NOVI, MI 48375			2624	
			NOTIFICATION DATE	DELIVERY MODE
			12/19/2007	ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

cbalaw@gmail.com
cbalaw@ameritech.net
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Office Action Summary

Application No.

10/675,348

Applicant(s)

WATANABE ET AL.

Examiner

John Wahnkyo Lee

Art Unit

2624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 3,5,6,8 and 10-12 is/are allowed.
- 6) ☒ Claim(s) 1,2,4 and 7 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. The response received on 4 October 2007 has been placed in the file and was considered by the examiner. An action on the merits follows.

Response to Amendment

2. The applicant's amendments filed on 4 October 2007 have been fully considered.

Claim Objections - claims 3, 5-6, and 9-12

Regarding claims 3 and 5, Claims 3 and 5 were objected to as being dependent upon a rejected base claim 1 in the first office action, but the claims are rewritten in independent form including all of the limitations of the base claim and any intervening claims. So, the claim objection to claims 3 and 5 are withdrawn, and the claims are allowed.

Regarding claims 6, 8, and 10-12 are rewritten as dependent claims of claims 3 or 5. So, the claim objection to claims 6, 8, and 10-12 are withdrawn, and the claims are allowed.

Regarding claim 9, claim 9 is still being dependent upon a rejected base claim, so the claim objection cannot be withdrawn.

Response to Arguments

3. Applicant's arguments with respect to claims 1-2, 4, 7, and 9 have been considered, but are moot in view of the new ground(s) of objection and rejection.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zwrin (US 5,033,015) in view of Ronald et al. (US 3,444,378).

Regarding claim 1, Zwrin discloses an apparatus for testing infrared cameras (abstract; Fig.-10), comprising: a cover plate ("bars (Figs. 1-4, 3a, 3b, and 3c; col. 2, lines 52-65)"), and said cover plate ("bars (Figs. 1-4, 3a, 3b, and 3c; col. 2, lines 52-65)") adapted to emit an amount of infrared light ("It is well known that the temperature is a factor that can change the emission.") and an emission source (Fig. 1-2, "blackbody") which is disposed in parallel to and behind the cover plate a black body (Fig. 1-2) that has a different temperature with the bars (Figs. 1-4, 3a, 3b, and 3c; col. 2, lines 52-65) as viewed from infrared cameras to be tested (abstract; Fig.-10), and which is adapted to emit a different amount of infrared light when compared with the cover plate ("a black body (Fig. 1-2) that has a different temperature with the bars (Figs. 1-4, 3a, 3b, and 3c; col. 2, lines 52-65). It is well known that the temperature is a factor that can change the emission."). However, Zwrin does not disclose the plurality of holes formed therethrough and arranged in line, but Ronald does ("holes (Figs. 5 and 6) arranged a line drawn from the center of a hole to the center of a light emitting portions (Figs. 41 and 51; col. 5, lines 14-17)").

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Ronald's invention in Zwirin's invention to provide an accurate and repeatable method of testing imaging sensors as suggested by Zwirin (col. 2, lines 21-22).

6. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zwirin (US 5,033,015) in view of Ronald et al. (US 3,444,378), and further in view of Nagasawa et al. ("Application of Fourier Transform Infrared Emission Spectrometry to Surface Analysis").

Regarding claim 2, Zwirin and Ronald disclose all the previous claim limitations except the claim limitation of claim 2. However, Nagasawa discloses using infrared emission spectra of thin polymer layers on flat aluminum plate that is connected to a heater (Fig. 1; pages 168-170).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Ronald's invention and Nagasawa's method in Zwirin's invention to provide an accurate and repeatable method of testing imaging sensors as suggested by Zwirin (col. 2, lines 21-22).

7. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zwirin (US 5,033,015) in view of Ronald et al. (US 3,444,378), and further in view of Lillington et al. (US 5,902,417).

Regarding claim 4, Zwirin and Ronald disclose all the previous claim limitations except the claim limitation of claim 4. However, Lillington discloses anti-reflection coating (Fig. 1-42) for reducing infrared reflection (col. 5, lines 5-6).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Ronald's invention and Lillington's invention in Zwirin's invention to provide an accurate and repeatable method of testing imaging sensors as suggested by Zwirin (col. 2, lines 21-22).

8. Claims 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Zwirin (US 5,033,015) in view of Ronald et al. (US 3,444,378), and further in view of Nagasawa et al. ("Application of Fourier Transform Infrared Emission Spectrometry to Surface Analysis") and Bernstein et al. (US 4,780,613).

Regarding claim 2, Zwirin and Ronald disclose all the previous claim limitations except the claim limitation of claim 2. However, Nagasawa discloses using infrared emission spectra of thin polymer layers on flat aluminum plate that is connected to a heater (Fig. 1; pages 168-170), and Bernstein discloses Infrared emission source (abstract; Fig. 4-60) that includes a cooling fins (Fig. 4-86; col. 7, lines 14-18).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time the invention was made to use Ronald's invention, Nagasawa's method, and Bernstein's invention in Zwirin's invention to provide an accurate and repeatable method of testing imaging sensors as suggested by Zwirin (col. 2, lines 21-22).

Allowable Subject Matter

9. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

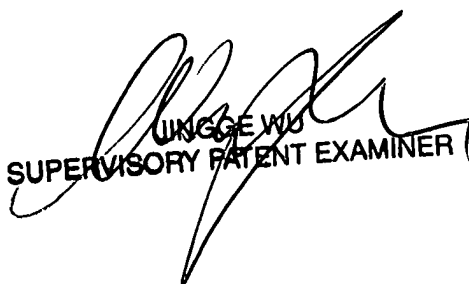
Conclusion

10. Claims 1, 2, 4, and 7 are rejected; claims 3, 5-6, 8, 10-12 are allowed.
11. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Wahnkyo Lee whose telephone number is (571) 272-9554. The examiner can normally be reached on Monday - Friday (Alt.) 7:30 a.m. - 5:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jingge Wu can be reached on (571) 272-7429. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.


JINGGE WU
SUPERVISORY PATENT EXAMINER

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

John W. Lee
(AU 2624)